

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
CELL PHONE ACCOUNT [REDACTED]
THAT IS STORED AT PREMISES
CONTROLLED BY T-MOBILE, USA INC.

Case No. 23-mj-135

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING T-MOBILE, USA INC. NOT
TO NOTIFY ANY PERSON OF THE EXISTENCE OF WARRANT**

The United States requests that the Court order T-Mobile, USA Inc. (not to notify any person (including the subscribers and customers of the account(s) listed in the warrant of the existence of the attached warrant for a period of one hundred and eighty (180) days.

T-Mobile, USA Inc. is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached warrant, which requires T-Mobile, USA Inc. to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. The target of the investigation has disclosed sensitive law enforcement information, including the names of targets of an ongoing criminal investigation. Accordingly, there is reason to believe that notification of the existence of the attached warrant will seriously jeopardize the investigation or

unduly delay a trial, including by giving target an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, and further intimidate potential witnesses for the United States. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the warrant, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing T-Mobile, USA Inc. not to disclose the existence or content of the attached warrant for one hundred and eighty (180) days, except that T-Mobile, USA Inc. may disclose the attached warrant to an attorney for T-Mobile, USA Inc. for the purpose of receiving legal advice.

Executed on June 14, 2023.

By: /s/Elizabeth P. Stepan
ELIZABETH P. STEPAN
Assistant United States Attorney
United States Attorney's Office
63 South Royal Street, Suite 600
Mobile, AL 36602
Phone: (251) 441-5845